

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GENE CODES CORPORATION,

Plaintiff,

v.

Case No. 09-14687

NAOMI THOMSON,

Defendant.

/

ORDER REOPENING DISCOVERY

On March 8, 2011, the court held a status conference with counsel for the parties. At the conference, it was determined that discovery should be reopened for a period of 28 days. Any discovery sought during this period should be focused and narrow, and not unduly burdensome.

Plaintiff's counsel also indicated his interest in revisiting the issue of whether the entire case, rather than only certain issues, should be submitted to the bench, rather than to a jury, despite the apparent agreement of the parties at the motion hearing that the case should be to the bench. (Tr. 26:10-13, 28:20-29:10.) The court urged counsel to consult with each other on this issue, and to hold a joint telephone conference with the court's case manager in approximately one week to apprise the court of whether any part of the case will go to a jury. A scheduling order will follow thereafter.

Accordingly,

IT IS ORDERED that discovery is REOPENED. The parties are DIRECTED to complete all discovery by **April 5, 2011**.

IT IS FURTHER ORDERED that counsel for the parties are DIRECTED to jointly call the court's case manager on **March 16, 2011**, to inform the court of whether any issue in the trial should be decided by a jury.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: March 9, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 9, 2011, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522